UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,257	07/31/2003	Yun Xin Li	CML00843AC	1623

7590 03/30/2007	EXAMINER
DANIEL K. NICHOLS Motorola, Inc. Law Department 1303 E. ALGONQUIN ROAD SCHAUMBURG, IL 60196	HARTMANN II, KENNETH R

ART UNIT	PAPER NUMBER
2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/631,257	LI ET AL.
	Examiner	Art Unit	
	Kenneth R. Hartmann	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>31 July 2003</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-25</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>31 July 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Detailed Action

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1, 2, and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated

by White et al (US 5,495,482).

For claim 1, White et al. disclose a method for providing a transmission packet,

the transmission packet comprising a data independent field (packet header, see Fig. 3)

and a payload field (info, see Fig. 3) the method comprising: processing digital data to

provide a modulated digital payload; obtaining pre-defined modulated transmission

protocol bits stored in a memory (reading frequently used information from a buffer, see

column 16, lines 36-40); and combining the modulated digital payload and the

predefined modulated transmission protocol bits to provide the transmission packet

(commonly used preamble consisting of synchronization data would be permanently

stored, written to form the packet of Fig. 3, see column 16, lines 30-36), wherein the

modulated digital payload is in the payload field (info, see Fig. 3) and the modulated

transmission protocol bits are in the data independent field (control data and packet

header, see Fig. 3).

For claim 2, White et al. disclose a method as disclosed above further including the step of Digital to Analogue Converting the transmission packet (takes place within the phone interface of Fig. 1, since packet would be digital, voice would be analogue).

For claim 14, White et al. disclose a method as disclosed above wherein the obtaining includes selecting the pre-defined modulated transmission protocol bits stored in the memory (advantage of permanently storing certain information in buffers and allowing reuse of that information by directly reading it from the buffer at the appropriate sequence in later generated packets, see column 16, lines 36-40).

For claim 15, White et al. disclose a method as disclosed above wherein the obtaining includes selecting the pre-defined modulated transmission protocol bits from a group of pre-defined preamble bits and group of header bits (control data is stored in selected buffers and incorporated when needed, see column 16, lines 25-27), the preamble bits including a bit sequence representative of the synchronization sequence (preamble consisting of synchronization data, see column 16, lines 30-31).

For claim 16, White et al. disclose a method as disclosed above wherein the method has the further step of transmitting the transmission packet (voice/data packet transmission system, see column 1, lines 15-16).

For claim 17, White et al. disclose a communications unit for providing a transmission packet (see Fig. 1), the transmission packet comprising a data independent field and a payload field (see Fig. 3), the communications unit comprising: a processor (control processor 107, see Fig. 1); a memory (NI RAM 111, see Fig. 1) storing pre-defined modulated transmission protocol bits (common or repetitive

information or control data stored in buffers within the NI RAM, see column 16, Figs 1,

5, and 20), the memory being operatively coupled to the processor (see Fig. 1); and a

Digital to Analogue Converter coupled to the processor (phone interface 121 converts

digital packet to analog voice, see Fig. 1), wherein in use, the processor receives and

processes a plurality of bits to provide, to the Digital to Analogue Converter, a

modulated digital payload combined with the modulated transmission protocol bits to

provide the transmission packet, and wherein the modulated digital payload is in the

payload field and the modulated transmission protocol bits are in the data independent

field (see above rejection for claim 1).

Claim Rejections - 35 USC § 103

3.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

        1.   Determining the scope and contents of the prior art.
        2.   Ascertaining the differences between the prior art and the claims at issue.
        3.   Resolving the level of ordinary skill in the pertinent art.
        4.   Considering objective evidence present in the application indicating
                obviousness or nonobviousness.

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 3-13 rejected under 35 U.S.C. 103(a) as being unpatentable over White

et al (US 5,495,482).

For claims 3 and 4, White et al. disclose a method as disclosed above in

paragraph 2 of this office action. White et al. do not disclose the processing further

includes filtering or shaping the digital data. However, it would have been obvious to

one of ordinary skill in the art to filter and shape the digital data as disclosed in the

second paragraph of applicant's own background information of the application, that

transmission packets are generally formed by a digital signal processor performing

modulating, filtering and shaping both a payload of data and data independent bits. The

motivation for filtering and shaping the digital data would be to ensure that it is in

condition to be transmitted efficiently and successfully over the network.

For claims 5-13, White et al. disclose a method as described above in paragraph

2 of this office action. White et al. do not disclose the modulated transmission protocol

bits include a bit sequence representative of a digitally modulated, shaped, and filtered

version of the synchronization sequence, packet length information, and data rate

information. However, official notice is taken, as noted in applicant's own specification,

that it would be apparent to a person of ordinary skill in the art that the pre-defined

modulated transmission protocol bits of the preamble fields and header fields are

digitally modulated, shaped, and filtered versions of the synchronization sequence, packet length information, data rate information, etc (page 8, lines 9-15). The motivation for including a bit sequence representative of a modulated, shaped, and filtered version of the synchronization sequence would be to have the packet contain accurate information that is in condition to be sent over the network.

Claims 18-25 are rejected for a similar reason as claims 6-13.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schneider et al. (US 6,650,650) is cited to show a method and apparatus for transmitting voice data over network structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Hartmann whose telephone number is 571-270-1414. The examiner can normally be reached on Monday - Thursday, 10 - 3 EST.
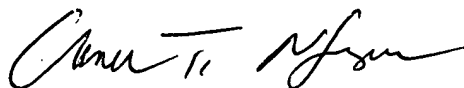
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KRH

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